IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 24137 of 2004

Between:

Natha Alphane Rao, P.C. No. 808, L.&O Ibrahimpatnam, Vijayawada, R.H.No. 2-1-8-3/2, Kotinagar, Krishna Lanka, Vijayawada.

..... PETITIONER

AND

1 The Principal Secretary to Govt., Department of Home, Govt of A.P.,Secretariat, Hydeabad.
2 The Director General and Inspector of General of Police, A.P., Hyderabad.
3 The Commissioner of Police, Sakthi Bhavan, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly a writ in the nature of certiorari by calling for the records leading up to the passing the impugned order of the Hon'ble Andhra Pradesh Administrative/Tribunal, Hyderabad in O.A.No. 3055/2002 dt. 07.09.2004 and quash the same against the orders of the 3rd respondent commissioner of Police, Vijayawada in his Proc.C.No. 48/PR/98, dt. 06.10.1999 as confirmed by the 2nd respondent in

L.Dis.Rc.No.265/T2/2000, dt. 07.03.2000 as confirmed by the 1st respondent in his proc. No. 43/53/Pol.B/A2/2000-1, dt. 20.12.2000 and set aside the same declaring as illegal, arbitrary and unconstitutional and pass such other order or further orders in the interest of justice.

Counsel for the Petitioner:MR.Y.SUBRAHMANYAM

Counsel for the Respondents : GP FOR HOME

The Court made the following :

ORDER: (per Hon'ble Sri Justice G.Bikshapathy)

The Writ Petition is filed assailing the order passed by the A.P. Administrative Tribunal, Hyderabad in O.A.NO.3055/2002 dated 7-9-2004.

2. The petitioner was working as a Police Constable. While so a charge sheet was issued to him alleging that he attempted to rape a woman by name Kasinaboina Lakshmi at Seethanagaram, Vijayawada while on beat duty on the night of 20/21-2-1997. An enquiry was conducted against the petitioner and ultimately he was held guilty of the charge. The 3rd respondent/competent authority by the proceedings dated 6-10-1999 in C.No.48/PR/98 imposed punishment of deferment of one increment with cumulative effect and also treated the period of absence of the petitioner as not on duty. Against the said order, the petitioner preferred an Appeal before the

2nd respondent and by the proceedings in L.Dis.Rc.No.265/T2/2000, dated 7-3-2000 the 2nd respondent confirmed the order of the 3rd respondent. The petitioner also filed a Revision Petition before the 1st respondent against the order of the 2nd respondent but the 1st respondent in Proc.No.43/53/Pol.B/A2/2000-1 dated 20-12-2000 rejected the same. Therefore the petitioner filed O.A. before the A.P. Administrative Tribunal, Hyderabad. The Tribunal refused to interfere with the order of the 3rd respondent on the ground that the procedural requirements have been complied with and dismissed the O.A. by order dated 7-9-2004 and aggrieved by the same the petitioner filed present Writ Petition.

3. The learned Counsel for the petitioner submits that there was no legal evidence to sustain the charge of attempting to commit rape framed against the petitioner and erroneously the charge was held proved against him in the Departmental enquiry and therefore the Tribunal ought to have considered the same and set-aside the order of the 3rd respondent dated 6-10-1999.

4. We are afraid, we cannot accept the said contention of the learned Counsel representing the petitioner. The Tribunal after considering the matter held that there was no infirmity in the Departmental enquiry and that the acquittal of the petitioner in the criminal proceedings is not a bar to proceed with the Departmental action. As can be seen

from the record also, this is a case where the charge levelled against the petitioner was held to be proved in the Departmental enquiry. In our considered view, the punishment imposed also is quite justifiable. Therefore, we do not find any reason to interfere with the order passed by the Tribunal dated 7-9-2004.

5. The Writ Petition is accordingly dismissed at the admission stage. No order as to costs.

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JUSTICE G.BIKSHAPATHY

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JUSTICE P.S.NARAYANA

Date : 30-12-2004

AM

To:

1 The Principal Secretary to Govt., Department of Home, Govt of A.P.,Secretariat, Hydeabad.

2 The Director General and Inspector of General of Police, A.P., Hyderabad.

3 The Commissioner of Police, Sakthi Bhavan, Vijayawada.

4. 2 C.Cs. to Government Pleader for Home,

High Court Buildings,

High Court of A.P.

Hyderabad (OUT).

5. The Registrar, A.P. Administrative Tribunal, Hyderabad.

6. 2 C.Ds.

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